

DAG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E SC177
APR 23 2002
PATENT & TRADEMARK OFFICE

In re application of: LUO et al.) Examiner: Not Assigned
Serial No.: 09/843,159) Group Art Unit: 1653
Filed: 25 April 2001)
For: Tankyrase H, Compositions)
Involved in the Cell Cycle and)
Methods of Use)

RECEIVED
MAY 03 2002
OFFICE OF PETITIONS

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, BOX MISSING PARTS, Washington, DC 20231

on 12 April 2002

Signed: Gail Diehl
Gail Diehl

**RESPONSE TO NOTICE OF INCOMPLETE REPLY
(NON PROVISIONAL)**

Assistant Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

Sir:

This reply is responsive to the Notice of Incomplete Reply mailed 6 March 2002, which followed Applicants reply, mailed 27 December 2001, in response to the Notice to File Missing Parts, mailed 5 July 2001. In response to the Notice of Incomplete Reply, enclosed are the following documents:

- 1) A copy of the Notice to File Missing Parts of Application;
- 2) A copy of the Notice of Incomplete Reply;
- 3) A copy of the Petition for Revival of an Application for Patent Abandoned Unintentionally, filed with the Office of Petitions on 12 March 2002;
- 4) A copy of the Statement re: Substitute Sequence Listing, filed with the USPTO, Box Sequence, on 12 March 2002;
- 5) Formal Drawings (18 sheets); and
- 6) return postcard.

Serial No.: 09/843,159
Filed: 25 April 2001

REMARKS

In response to the Notice to File Missing Parts, Applicants submitted a computer readable sequence disk, which was apparently destroyed or damaged during the treatment of the mail. In addition, the formal drawings filed in response to the Notice were rejected.

Applicants did not receive the Notice of Incomplete Reply (mailed 6 March 2002) prior to the extended deadline for responding to the Notice of Missing Parts (5 February 2002). As a result, despite the lack of a Notice of Abandonment, the present application was technically abandoned before a Notice of Incomplete Reply was issued.

Applicants have Petitioned to revive the instant application under 37 CFR 1.137(b). In anticipation of the granting of the Petition, Applicants submit herewith new formal drawings in compliance with 37 CFR §1.84(g). Applicants have also filed a new computer readable sequence disk in this case with the Assistant Commissioner for Patents, Box Sequence.

At this time, Applicants do not believe that a Petition for Extension of Time, or extension of time fees, are required. However, should an extension or the payment of such fees become necessary, the Applicants so request the extension of time, and the Commissioner is hereby authorized to charge the deficiency in payment of the required fees, or credit any overpayment, to Deposit Account No.06-1300 (A-68292-2/RMS/DHR).

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

By


Robin M. Silva, Registration No. 38,304

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San Francisco, California 94111-4187
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Date: 4/12/02

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/843,159	04/25/2001	Yin Luo	A-68292-2/RMS/DHR

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center - Suite 3400
San Francisco, CA 94111-1989

CONFIRMATION NO. 8575
FORMALITIES LETTER



OC000000006262891

Date Mailed: 07/05/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

RECEIVED

FILED UNDER 37 CFR 1.53(b)

MAY 03 2002

Filing Date Granted

OFFICE OF PETITIONS

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
 - Total additional claim fee(s) for this application is \$832.
 - \$297 for 33 total claims over 20.
 - \$400 for 10 independent claims over 3 .
 - \$135 for multiple dependent claim surcharge.
 - The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
 - To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
 - The balance due by applicant is \$ 1252.**
- File A-68292-2 Any RMS/DHR*
Date 9/5/01 1.5.0
Missing Parts Refd _____ of
sequel listing

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 - Numbers, letters, and reference characters must measure at least 0.32 cm (1/8 inch)

in height.

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

RD
A copy of this notice MUST be returned with the reply.

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/843,159	04/25/2001	Yin Luo	A-68292-2/RMS/DHR

CONFIRMATION NO. 8575

FORMALITIES LETTER



OC00000000758967

File A-68292-2 Atty RMS/DHR

Due Date _____ Date Mailed: 03/06/2002

Type _____ Refs _____

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

RECEIVED

MAY 03 2002

Filing Date Granted

OFFICE OF PETITIONS

The U.S. Patent and Trademark Office has received your reply on 12/27/2001 to the Notice to File Missing Parts (Notice) mailed 07/05/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 - Numbers, letters, and reference characters must measure at least 0.32 cm (1/8 inch) in height.
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

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